

State of Louisiana

Secretary of State

Legal Services Section

01/18/2022

P.O. Box 94125, Baton Rouge, LA 70804-9125

(225) 922-0415

TRISURA SPECIALTY INSURANCE COMPANY
ATTN: JULIE MEADERS, CORPORATE COUNSEL
210 PARK AVE
SUITE 1400
OKLAHOMA CITY, OK 73102-5636

Suit No.: 20215097
14TH JUDICIAL DISTRICT COURT
CALCASIEU PARISH

DANIEL CARR
vs
TRISURA INSURANCE COMPANY, ET AL

Dear Sir/Madam:

I am enclosing a citation served in regard to the above entitled proceeding. If you are not the intended recipient of this document, please return it to the above address with a letter of explanation. All other questions regarding this document should be addressed to the attorney that filed this proceeding.

Yours very truly,

R. KYLE ARDOIN
Secretary of State

Served on: R. KYLE ARDOIN
Served by: M. LOCKWOOD

Date: 01/14/2022
Title: DEPUTY SHERIFF

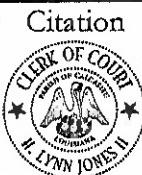
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Exhibit "A"

DANIEL CARR
VS. 2021-005097
TRISURA INSURANCE COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TRISURA SPECIALTY INSURANCE
COMPANY
THROUGH THE SECRETARY OF
STATE, STATE OF LOUISIANA
8585 ARCHIVES AVENUE
Baton Rouge, LA 70809

SERVED ON
R. KYLE ARDOIN

JAN 14 2022

SECRETARY OF STATE
COMMERCIAL DIVISION

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of DANIEL CARR, (PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of December 2021.

Issued and delivered January 9, 2022

Kimberly Poullard

Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____ 20____, and on the _____ day of _____ 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20_____

SERVICE \$ _____ BY: _____

Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001



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Filing Date: 01/09/2022 01:33 PM Page Count: 1
Case Number: 2021-005097
Document Name: 1600 Citation

14TH JUDICIAL DISTRICT COURT FOR THE PARISH OF CALCASIEU

STATE OF LOUISIANA

NO: 2021 - 5097

DIVISION: F

DANIEL CARR

-versus-

TRISURA INSURANCE COMPANY and/or
TRISURA SPECIALTY INSURANCE COMPANY,
SHADE TREE EXPRESS, LLC, and WILLIE FRANCIS

For

FILED:

DEC 06 2021

Kristen Lewis

DEPUTY CLERK

PETITION FOR DAMAGES

Plaintiff, DANIEL CARR, of age and domiciled in the Parish of Orleans, State of Louisiana, with respect represents that:

I.

The following parties be made Defendants herein:

- (a) TRISURA INSURANCE COMPANY AND/OR TRISURA SPECIALTY INSURANCE COMPANY, a foreign insurance company, authorized to do and doing business in the State of Louisiana;
- (b) SHADE TREE EXPRESS, LLC, a foriegn limited liability company, domiciled in the City of Cibolo, Texas, authorized to do and doing business in the State of Louisiana and subject to the jurisdiction of this Court; and
- (c) WILLIE FRANCIS, a person of age and domiciled in the Parish of City of San Antonio, State of Texas, and subject to the jurisdiction of this Court.

II.

On February 16, 2021 at approximately 7:37 a.m., defendant, WILLIE FRANCIS, was operating a 2019 Mac tractor-trailer 18-wheeler westbound on Interstate 10 in the left-hand lane in the Parish of Calcasieu, State of Louisiana, when he attempted to pass a 2020 Volvo tractor-trailer 18-wheeler owned by Gat Global Solutions and operated by DANIEL CARR who was traveling in the right-hand lane, lost control of his vehicle and struck the rear of the CARR vehicle. At the time of the motor vehicle collision, I-10

westbound was covered with approximately three (3) inches of ice and the traffic was flowing in the right lane in a set of tire tracks that were worn into the ice.

III.

Plaintiff shows that the motor vehicle collision was caused by the negligence of the defendant, WILLIE FRANCIS, whose negligence is imputed to his employer and defendant, SHADE TREE EXPRESS, LLC, and consists of the following non-exclusive particulars:

- (a) Careless operation of a motor vehicle;
- (b) Attempting to pass in icy road conditions;
- (c) Failing to see what he should have seen;
- (d) Traveling at an excessive rate of speed given the prevailing traffic and icy conditions;
- (e) In negligently colliding into the rear of the CARR vehicle;
- (f) In driving inattentively; and
- (g) All those other acts of negligence known only to the defendants, WILLIE FRANCIS and SHADE TREE EXPRESS, LLC.

IV.

Plaintiff shows that the motor vehicle collision was also caused by the negligence of the defendant, SHADE TREE EXPRESS, LLC, owner of the vehicle operated by WILLIE FRANCIS, which negligence consists of the following non-exclusive particulars:

- (a) Permitting the reckless and negligent operation of its vehicle by defendant, WILLIE FRANCIS;
- (b) Permitting its vehicle to be operated by an incapable and unskilled operator;
- (c) Failing to keep due and proper lookout over the vehicle;
- (d) Failing to properly train and supervise its employee;
- (e) As principal, responsible for the acts of the defendant driver to the extent that he was on a mission for the defendant owner; and
- (f) All those other acts of negligence known only to the defendants, SHADE TREE EXPRESS, LLC and WILLIE FRANCIS.

V.

It is alleged that at all times material herein that WILLIE FRANCIS was in the course and scope of his employment for SHADE TREE EXPRESS, LLC at the time of motor vehicle collision, thus rendering the said defendant, SHADE TREE EXPRESS, LLC, liable unto plaintiff with the other named defendants.

VI.

Upon information and belief it is alleged that at all times material hereto, TRISURA INSURANCE COMPANY and/or TRISURA SPECIALTY INSURANCE COMPANY provided a policy of liability insurance on the vehicle owned by SHADE TREE EXPRESS, LLC and operated by WILLIE FRANCIS, on the date of this motor vehicle collision, which said policy provided coverage for the type of loss sued upon herein, thus rendering the said defendant, TRISURA INSURANCE COMPANY and/or TRISURA SPECIALTY INSURANCE COMPANY, liable unto plaintiff with the other named defendants.

VII.

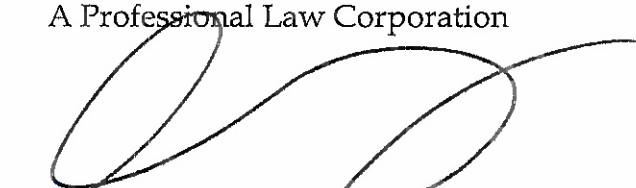
As a result of the above-referenced motor vehicle collision, plaintiff, DANIEL CARR, sustained injuries consisting of injuries and is entitled to be compensated for general damages and special damages including, but not limited to, past, present and future pain and suffering; medical expenses to date and future medical expenses; permanent disability; mental anguish; loss of enjoyment of life; past, present, and future loss of wages; loss of future earnings capacity; and all other damages to be proven at the trial of this matter.

WHEREFORE, plaintiff alleges that the claim exceeds the requisite amount for a jury trial and prays that defendants be duly cited and served with this Petition, after all legal delays and due proceedings are had, there be a Judgment herein in favor of plaintiff, DANIEL CARR, and against the defendants, TRISURA INSURANCE COMPANY and/or TRISURA SPECIALTY INSURANCE COMPANY, SHADE TREE EXPRESS, LLC, and WILLIE FRANCIS, jointly and in solido, for all damages as are

reasonable under the premises, together with legal interest, thereon, from the date of judicial demand, until paid, and for all costs of these proceedings, and for any other further legal and equitable relief as this Court deems necessary and proper.

Respectfully submitted,

FAVRET, DEMAREST, RUSSO,
LUTKEWITTE & SCHAUMBURG
A Professional Law Corporation



SETH H. SCHAUMBURG, Bar #24636
LAUREN A. FAVRET, Bar No. 33826
DEAN J. FAVRET, Bar #20186
ANGELA C. IMBORNONE, Bar #19631
Attorneys for Plaintiff
1515 Poydras Street, Suite 1400
New Orleans, Louisiana 70112
Telephone: (504) 561-1006
Facsimile: (504) 523-0699
Email: seth@favretlaw.com

PLEASE SERVE:

TRISURA INSURANCE COMPANY
Through the Secretary of State
State of Louisiana
8585 Archives Avenue
Baton Rouge, LA 70809

TRISURA SPECIALTY INSURANCE COMPANY
Through the Secretary of State
State of Louisiana
8585 Archives Avenue
Baton Rouge, LA 70809

SHADE TREE EXPRESS, LLC
Via the Louisiana Long Arm Statute:
Through its Registered Agent for Service of Process:
Adam Carver
13777 Judson Road, Suite 110
San Antonio, TX 78233

WILLIE FRANCIS
Via the Louisiana Long Arm Statute:
3800 Perrin Control, #121
San Antonio, TX 78217